

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

No. 07-7075

ERIC NELSON BERTRAM,

Defendant - Appellant.

ORDER

Filed September 28, 2007

Before **HENRY, BRISCOE** and **McCONNELL**, Circuit Judges.

This is an interlocutory appeal from the denial of the defendant's "Motion to Have Court Appointed Assistance Removed." We dismiss for lack of appellate jurisdiction.

Generally, the final judgment rule prohibits appellate review in a criminal case until after conviction and imposition of sentence. *Flanagan v. United States*, 465 U.S. 259, 263 (1984). "The rule of finality has particular force in criminal prosecutions because encouragement of delay is fatal to the vindication of the criminal law." *United States v. MacDonald*, 435 U.S. 850, 853-54 (1978) (internal quotation omitted). No exception to the finality rule is applicable here. *See United*

States v. P.H.E., 965, 854 (10th Cir. 1992) (interlocutory appeals in criminal cases have been allowed only in the narrow circumstance where “the substantive constitutional right at stake included the right to be free from the adverse effect of undergoing the trial itself.”).

APPEAL DISMISSED.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

Ellen Rich Reiter
Deputy Clerk/Jurisdictional Attorney